

7-12-02

GP/1632

Attorney Docket No.: 22650-001 CIP

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Date of Deposit: July 11, 2002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Dapprich *et al.*  
 SERIAL NUMBER: 09/735,099  
 FILING DATE: December 11, 2000  
 FOR: METHOD FOR SELECTIVELY ISOLATING A NUCLEIC ACID

EXAMINER: Betty J. Forman  
 ART UNIT: 1632

TECH CENTER 1600/2900

JUL 18 2002

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Assistant Commissioner for Patents  
Washington, D.C. 20231

## TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Response to Office Action Mailed June 18, 2002 (2 pgs);
2. Paper Copy of the Sequence Listing (2 pgs);
3. Computer Readable Form Copy of the Sequence Listing (1 disk);
4. Statement in Support of Computer Readable Form (1 pg); and,
5. Return Postcard.

Small entity status is appropriate for this application. The Commissioner is authorized to credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311 (Reference No. 22650-001 CIP). A duplicate copy of this transmittal letter is enclosed.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (617) 542-6000, Boston, Massachusetts.

Respectfully submitted,

*[Signature]*  
 Ivor R. Elfi, Reg. No. 39,529  
 David E. Johnson No. 41,874  
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Dated: July 11, 2002



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PATENT TRADEMARK OFFICE

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**RESPONSE TO JUNE 18, 2002 OFFICE COMMUNICATION**

In response to the Office Action mailed June 18, 2002 ("Office Communication"), please amend the application as indicated below and consider the following remarks.

In the specification:

Replace the pending sequence listing with the enclosed sequence listing

**REMARKS**

In response to the Office Communication indicating a Non-Responsive Amendment, Applicants enclose a substitute sequence listing, a computer-readable form of the sequence listing, a statement in support of the computer-readable form of the sequence listing. No new matter has been added. Applicants also offer the following comments addressing the rejections for double patenting.

Claims 1-18 were rejected for statutory double-patenting under 35 USC 101 in view of claims 1-18 of USSN 09/733,846, ("the '846" application"). The '846 application is now

abandoned, thereby rendering this rejection moot.

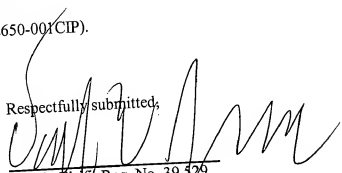
Claims 19 and 20 were rejected for obviousness-type double patenting in view of claim 19 of the '846 application. This rejection is likewise moot with the abandonment of the '846 application.

Applicants submit that the application is in condition for allowance and such action is respectfully requested.

Should any questions or issues arise concerning the application, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

The Commissioner is hereby authorized to charge payment of any additional fees required in connection with the papers transmitted herewith, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 22650-00/CIP).

Respectfully submitted,



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Dated: July 11, 2002

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